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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,362	04/13/2006	Alexandre Laurent	274802US0XPCT	3252
22850	7590	06/03/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
PALENIK, JEFFREY T				
ART UNIT		PAPER NUMBER		
1615				
NOTIFICATION DATE		DELIVERY MODE		
06/03/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10541362	4/13/2006	LAURENT ET AL.	274802US0XPCT

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EXAMINER

Jeffrey T.. Palenik

ART UNIT	PAPER
1615	20090528

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Commissioner for Patents

The timely submission under 37 CFR 1.129(a) filed on 3 December 2008 is not fully responsive to the prior Office action because Applicants have improperly amended the claims, particularly claim 18. Prior to the First Action on the Merits (FAOM), a restriction was presented separating out claims 18 and 19 as a group directed towards methods of using a gel-forming composition or "use" claims. After the response to the restriction, the claims were reconsidered and interpreted as reciting compositions with intended uses on the grounds that a more recently amended claim set had been discovered. Said amendment changed claims 18 and 19 under article 34 to reflect compositions rather than methods. As such, the claims were rejoined with Group I at the time of the FAOM. However, claims 6-19 were objected to as being improperly dependent claims and summarily withdrawn from consideration, at the FAOM. Applicants have since amended claims 6-18 and cancelled claim 19. However, Applicants' amendment to claim 18 has changed the statutory category from a composition to a method of using. Per the MPEP, any amendment that attempts to present claims directed to a non-elected invention, will be treated as not fully responsive and will not be entered (see MPEP §708.02(a)IV).

Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

/Jeffrey T. Palenik/
Examiner, Art Unit 1615

/MP WOODWARD/
Supervisory Patent Examiner, Art Unit 1615